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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1949

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# No. 162

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WILEY BRANTON,

*Petitioner,*

*vs.*

STATE OF ARKANSAS,

*Respondent*

---

## PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF ARKANSAS AND BRIEF IN SUPPORT THEREOF.

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THURMAN L. DODSON,
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W. HAROLD FLOWERS,
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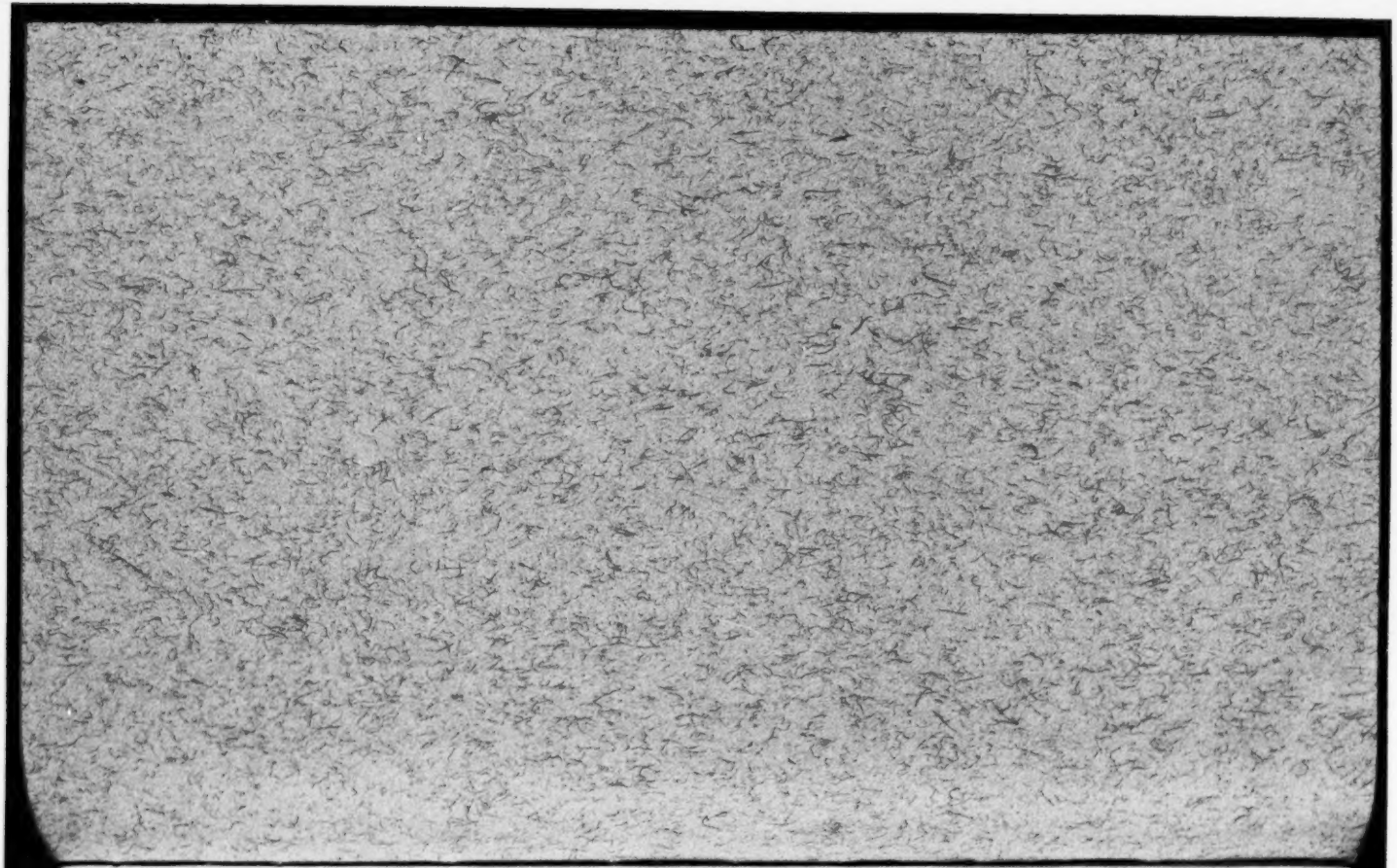

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SUPREME COURT OF THE UNITED STATES

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## PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF ARKANSAS

---

*To the Honorable, the Chief Justice of the United States and the Associate Justices of the Supreme Court of the United States:*

Petitioner respectfully prays that a writ of certiorari issue to review a judgment and order of the Supreme Court of the State of Arkansas affirming verdict and judgment of Jefferson Circuit Court of said State.

### A

### Jurisdiction

The jurisdiction of this Court is invoked under Section 237 of the Judicial Code, as amended (28 U. S. Code, 344b).

The judgment sought to be reviewed was entered by the Supreme Court of the State of Arkansas, the Court of last resort in said State, on March 7, 1949 (R. 37), and Petitioner's Petition for a Rehearing was denied on April 4, 1949 (R. 43). The judgment of the Supreme Court of Arkansas is not reported officially. It appears in the Record at pp. 37-42.

B

**Summary Statement of Facts Involved**

1. *Salient Facts:*

The petitioner, Wiley Branton, was tried upon information filed by the Prosecuting Attorney for Jefferson County (R. 1) in the Municipal Court of Pine Bluff, Arkansas, upon the charge of committing a misdemeanor, and was convicted and fined in the sum of Three Hundred ($300.00) Dollars and Costs. At the trial de novo on appeal to the Jefferson Circuit Court, petitioner was convicted of "distributing ballots outside of those ballots ordered for use in the election for the purpose of instructing voters how to vote" (R. 35) and fined in the sum of Three Hundred ($300.00) Dollars. The Petitioner offered no testimony on the facts and did not take the stand in his own behalf.

2. *Theory of the Trial:*

Since the Petitioner presented no testimony on the merits of the case and did not take the stand in his own behalf there can be no dispute as to the facts.

But Petitioner did move to quash the information filed against him (R. 2) on the ground that an information denied him the due process of law guaranteed him under the 14th amendment to the Constitution of the United States, and

also that Section 4873 of Pope's Digest which, in part, reads as follows:

> "It shall be unlawful to print or distribute any ballots outside of those ballots ordered for use in the election for the purpose of instructing voters how to vote" (R. 28)

was in violation of the Federal Bill of Rights and the privileges and immunities of American citizenship; thereby raising substantial questions of federal law.

The motion was promptly denied (R. 3) and this denial was affirmed by the Supreme Court of Arkansas.

C

**Questions Presented**

I

Whether the State of Arkansas may, under its Constitution, Article II, Section 6, and Section 4873 of Pope's Digest of the Statutes of Arkansas, prevent an elector from making a list of candidates and arranging them in printed form showing the various offices sought, and thereby not deny him of the Constitutional guaranties provided in the Fourteenth Amendment to the Constitution of the United States.

II

Whether the distribution of a mimeographed paper list of candidates for public office held by the lower Court to be a ballot within the meaning of Section 4873 of Pope's Digest of Arkansas Statutes, under which Petitioner was convicted, is a denial to him of the guaranties of American citizenship.

D

**Reasons Relied upon for the Allowance of the Writ**

1. The prohibition embodied in Section 4873 of Pope's Digest of Arkansas Statutes against the distribution of

ballots other than those ordered for use in the election for the purpose of instructing voters how to vote is in violation of the Constitution and laws of the United States.

(a) "nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

Fourteenth Amendment, Constitution of the United States.

(b) The provision of the First Amendment to the Constitution of the United States to the effect that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of their grievances" is applicable to the State within the meaning of the Fourteenth Amendment (supra).

2. The enactment of the State of Arkansas, upon which the Petitioner was convicted, is an unreasonable restraint in the exercise of police power in regulating elections in that it violates the Constitutional guaranties of freedom of speech,.

In support of the foregoing grounds of application, the Petitioner submits herewith the accompanying Brief setting forth in detail the pertinent arguments applicable to such petition.

Petitioner, through his counsel in this Court, expressly states that this application is filed in good faith and not for purposes of delay.

## Conclusion

WHEREFORE, it is respectfully submitted that this Petition for a Writ of Certiorari to review the judgment of the Supreme Court of the State of Arkansas be granted.

THURMAN L. DODSON,
*Attorney for Petitioner.*

W. HAROLD FLOWERS,
RUTH C. FLOWERS,
EDWARD V. TRIMBLE,
*Of Counsel.*

SUPREME COURT OF THE UNITED STATES

**OCTOBER TERM, 1949**

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# No. 162

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WILEY BRANTON,

*Petitioner,*

*vs.*

STATE OF ARKANSAS,

*Respondent*

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## BRIEF IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF ARKANSAS.

---

### Opinion of the Court Below

The opinion of the Supreme Court of the State of Arkansas is not officially reported. It appears in the Record at pages 37-42.

### Jurisdiction

The Jurisdiction of the Court is invoked under Section 237 of the Judicial Code, as amended (28 U. S. Code, 344b).

### Statement of the Case

The statement of the case and the nature of the application for the Writ are set forth in the accompanying Petition for Certiorari.

## Statement of Facts

At the trial in the Jefferson Circuit Court the only facts on which this application for a Writ of Certiorari is based, were brought out in the motions to Quash the Information (R. 2), for Directed Verdict (R. 27) and for a new Trial (R. 35). Briefly the basic facts in the case are as follows:

Petitioner appealed from his conviction in the Municipal Court of Pine Bluff, Arkansas, (R. 1) and the trial de novo in the Jefferson Circuit Court was an affirmance of his conviction (R. 5) in the Municipal Court. The Judge of the Jefferson Circuit Court directed a verdict of guilty and submitted the case to the jury to determine the punishment (R. 28). The Court directed the verdict as there was no dispute as to testimony but disagreed with Petitioner's contention that Exhibit A (R. 29) was not a ballot within the meaning of the statute. The mimeographed paper writing (R. 29) was held to come within the intendment of the statute. The official ballot used in the Democratic primary of August 10, 1948, was printed (R. 31-34) while the paper writing which Petitioner was convicted of distributing was mimeographed with no designation as to what it was. Petitioner distributed the mimeographed paper writing on or about August 3, 1948, a week prior to the election.

The Arkansas Supreme Court affirmed the conviction from which this application for a Writ of Certiorari issued.

## Argument

The Petitioner, Wiley Branton, was convicted and fined Three Hundred Dollars ($300.00) of having violated the provisions of Section 4873 of Pope's Digest, which is as follows:

> "A misdemeanor to intimidate elector, etc. It shall be unlawful for any person to make any threat or attempt to intimidate any elector or his family, his business or profession, and it shall also be unlawful to attempt to prevent any qualified elector from voting at

any primary election. It shall be unlawful to print or distribute any ballots outside of those ballots ordered for use in the election, for the purpose of instructing voters how to vote. It shall be unlawful for any person to attend any voting place on election day and hand out, or give away, any campaign cards, placards, or other articles for the purpose of influencing the electors to vote for any candidate. Any violation of any of the provisions of this section of this act shall be deemed a misdemeanor and punished by a fine not exceeding $500.00."

It is not contended here that the police power of the State may not be extended to insure free and equal elections but it is obvious that the statute above relating to elections was enacted for the purpose of preventing the intimidation of electors, and the influencing of support through the distribution of ballots which might be used in casting illegal votes at the polls.

This Court may take judicial notice of the fact that it is a common practice in political newspaper advertising that the name of all candidates and the parties they represent frequently appear in newsprint with large circulation.

**Definition of Ballot**

The lower court held that the paper writing distributed by Petitioner was a ballot within the meaning of the above statute. However, the statute states that "*It shall be unlawful to print . . . any ballots . . .*" (Italics supplied). Exhibit A (Tr. 29), which Petitioner was convicted of distributing did not have the word "ballot" written thereon and the mimeographed paper writing was not even an exact copy of the official ballot (Tr. 43) in that the names were not listed in order; no caption is there as is provided by Arkansas Election Laws. See Pope's Digest, Sections 4725 and 4757. The case of *Johnson* v. *Clark*, 25 Fed. Supp. 285, holds that "The word 'ballot,' in an election provision means a method which will insure, so far as is possible, the secrecy

and integrity of the popular vote. *State* v. *Keating*, 53 Mont. 371, 163 P. 1156." It certainly cannot be contended that a mimeographed paper writing with no designation as a ballot and with the names not in the order in which they appear on the official ballot comes within the definition of the word "ballot."

**Freedom of Speech**

The Petitioner urges this Court to invalidate that portion of Section 4873, Pope's Digest, as applied to him, on the grounds that it is in violation of the provisions of the Federal Constitution, the First and Fourteenth Amendments thereof.

The guaranty of freedom of speech and of the press are protected by the First Amendment from infringement by Congress and are among the fundamental personal rights and liberties which are protected by the Fourteenth Amendment from invasion by state action. *Lovell* v. *City of Griffin, Ga.*, 58 S. Ct. 566, 303 U. S. 444, 82 L. Ed. 949; *DeJonge* v. *State of Oregon*, 57 S. Ct. 255, 299 U. S. 353, 81 L. Ed. 278.

Although the statute here involved apparently was assumed to be a valid exercise of the State's police powers, the question is where the individual's freedom ends and the State's police power begins. The choice is always delicate and especially so when the usual presumption supporting legislation is balanced by the preferred place given in our scheme to the great indispensable democratic freedoms secured by the First Amendment.

*Thomas* v. *Collins*, 65 S. Ct. 315, 323 U. S. 516, 89 L. Ed. 430:

> "Any attempt to restrict those liberties must be justified by clear public interest, threatened not doubtfully or remotely, but by clear and present danger. The rational connection between the remedy provided and the evil to be curbed, which in other contexts might support legislation against attack on due process grounds,

will not suffice. These rights rest on firmer foundation. Accordingly, whatever occasion would restrain orderly discussion and persuasion, at appropriate time and place, must have clear support in public danger, actual or impending. Only the gravest abuses, endangering paramount interests, give occasion for permissible limitation. . . . It was not by accident or coincidence that these rights in freedom in speech and press were coupled in a single guaranty with the rights of the people peaceably to assemble and to petition for redress of grievances. All these, though not identical, are inseparable."

*Cf. West Virginia Board of Education* v. *Barnette,* 319 U. S. 624, 631;

Mr. Justice Holmes dissenting in *Abrams* v. *U. S.,* 250 U. S. 624, 639;

*DeJonge* v. *State of Oregon,* 299 U. S. 353, 364.

Petitioner contends that the statute, as applied to him must be reasonably calculated to accomplish its end and must be necessary for that purpose. *DeJonge* v. *State of Oregon, supra.* It cannot be said that the prohibition against the distribution of paper writings with the names of candidates is reasonably calculated to prevent fraud at the polls, especially where there is a striking dissimilarity between the official ballot and the paper writing which Petitioner distributed. The paper writing here involved amounted to no more than a handbill similar to those distributed in *Lovell* v. *City of Griffin, Ga., supra,* and the other handbill cases decided by this Court. The Arkansas Election Law requires that ballots be printed but Petitioner was convicted of distributing mimeographed paper writings which could not be and were not confused with the official ballot.

Further, Petitioner points out that he was doing a desirable thing in educating the public in voting. Rather than working against the public welfare (which is the test of

whether or not action may be curbed), Petitioners' actions were in the public interest and welfare. Although Petitioner instructed his audience how to vote, he admonished them to vote their choices. Certainly, the police power of a State is not paramount to such an exercise of freedom of speech. This Court held in *Schneider* v. *Irvington,* 308 U. S. 147, 84 L. Ed. 155, "Although a municipality may enact regulations in the interest of public safety, health, welfare or convenience, these may not abridge the individual liberties secured by the Constitution to those who wish to speak, write, print or circulate information or opinion." *Cf. Hague* v. *C. I. O.,* 307 U. S. 496, 83 L. Ed. 1423.

There is no reasonable relationship between the State's admitted right to secure for its subjects free elections and a prohibition on Petitioner's actions in educating prospective voters with mimeographed paper writings. In fact, Petitioner's action was more reasonably calculated to bring about free elections. Nor can it be said that Petitioner's conduct brought about a clear and present danger of fraudulent elections to come within the purview of *Gitlow* v. *People of the State of New York,* 45 S. Ct. 625, 268 U. S. 652, 69 L. Ed. 1138.

**Conclusion**

We respectfully submit that the statute here involved, as applied to Petitioner, is an abridgement of his constitutional rights under the First and Fourteenth Amendments and is an invalid exercise of the State's police power.

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WILEY BRANTON _____ *Petitioner*

v. No. 162

STATE OF ARKANSAS _____ *Respondent*

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## RESPONSE AND BRIEF THEREON TO PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF ARKANSAS

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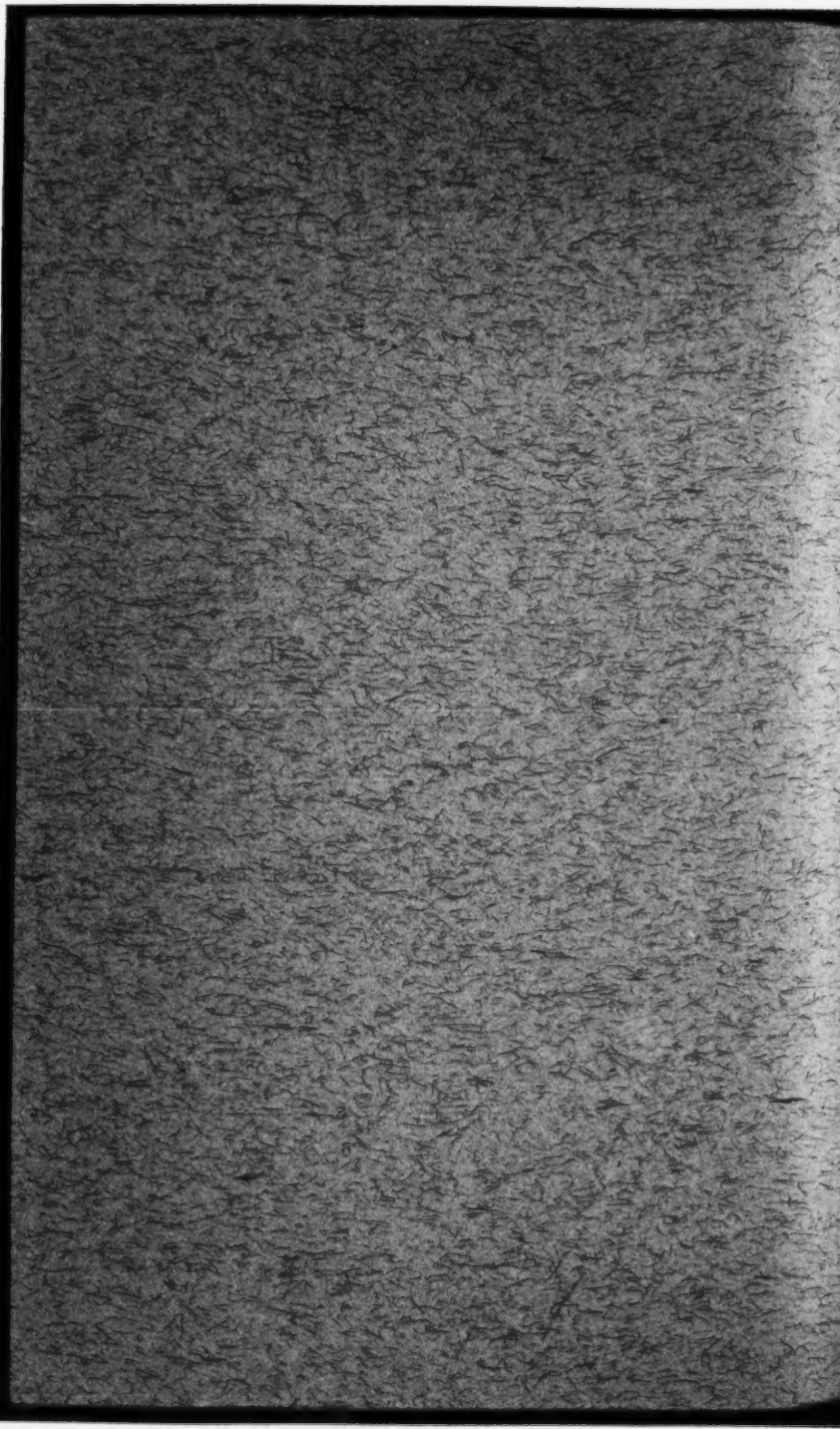

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IN THE

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OCTOBER TERM, 1949

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WILEY BRANTON ..... *Petitioner*

v. No. 162

STATE OF ARKANSAS ..... *Respondent*

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## RESPONSE AND BRIEF THEREON TO PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF ARKANSAS

---

### STATUTE INVOLVED

Pope's Digest 4873: "It shall be unlawful for any person to make any threat or attempt to intimidate any elector or his family, his business or his profession, and it shall also be unlawful to prevent any qualified elector from voting at any primary election. It shall be unlawful to print or distribute any ballots outside of those ballots ordered for use in the election, for the purpose of instructing voters how to vote. It shall be unlawful for any person to attend any voting place on election day and hand out or give away any campaign cards, placards, or other articles for the purpose of influencing the electors to vote for any candidate. Any violation of any of the provisions of this section of this act shall be deemed a misdemeanor and

punished by a fine not exceeding Five Hundred Dollars'' ($500.00).

## STATEMENT

The General Assembly of the State of Arkansas in the year 1935 passed Act 123, the above statute being Section 20 of the act. The purpose of Act 123, as stated in the title of the act, ''being an act to prevent illegal or improper voting in any general or special legalized election in the State of Arkansas and to supplement the procedure in primary election contests and to provide for the proper assessment and payment of poll taxes in the State of Arkansas, and for other purposes''.

On August 21, 1948, the Prosecuting Attorney in and for the Eleventh Judicial Circuit of the State of Arkansas, of which Jefferson County, Arkansas, forms a part, filed an Information in the Municipal Court charging that the Petitioner, Wiley Branton, did on or about the 3rd day of August, 1948, commit the crime of misdemeanor by violating the above Section 4873 of Pope's Digest (R.1). The defendant, after hearing in the Municipal Court, was convicted and sentenced to pay a fine of Three Hundred Dollars ($300.00) and the cost of the prosecution. On August 28, 1948, he filed an appeal bond, appealing the conviction to the Circuit Court of Jefferson County. On October 14, 1948, the case was tried on appeal in the Jefferson Circuit Court, resulting in a verdict of guilty and the assessment of a fine of Three Hundred Dollars ($300.00) (R.3). The conviction was appealsd to the Supreme Court of Arkansas in due time and on March 7, 1949, the judgment of the Circuit Court was affirmed (R.37-42). On April 4, 1949, Petition for Re-hearing was denied (R.43).

The proof revealed that prior to the Democratic Primary election on August 10, 1948, the Democratic Central Committee in Jefferson County prepared the official ballot for use in the Primary election on August 10th (R.7). The undisputed testimony showed that on August 3rd the Petitioner, Wiley Branton, attended a meeting held at a point designated as the Mt. Zion Church House (R.13). The proof showed that the Petitioner brought to the meeting, which was designated a political meeting, a number of mimeographed ballots (R.13). The mimeographed ballots were introduced in evidence as State's Exhibit "A" (R.29-30). The proof showed that these ballots were passed out among the people attending the meeting and that with these ballots pencils were distributed (R.13). That the Petitioner started with the candidates for Governor and instructed the audience how to vote. The instructions were given, according to the testimony, in these words (R.14):

"Q. I will ask this question. How, Harry, did he express a choice in the Governor's race? Did he tell you how he was going to vote; who he was going to vote for?

A. He said who he was going to vote for.

Q. He said who he was going to vote for?

A. Yes, sir, he told us how we should vote.

Q. (R.14) Let me ask this question. Did he go down the list on all these races, the Associate Justices, the Prosecuting Attorney, Chancellor, etc., did he go down the list on each race?

A. Each race.

Q. Did he discuss every race?

A. Yes, sir, he did.

Q. He did? What did he say about how you all should vote?

A. He said he was going to vote his way and we could vote our way, but we would get better results if we would all go solid, but he was going to vote his way.

Q. He told you what his way was then after each race? Look at this again, you note his pencil marks through various names?

A. Yes, sir.

Q. After each race, what would happen? What did you do with the pencil after each race?

A. Gave them back.

Q. You gave them back after the meeting was over, I suppose?

A. Yes, sir.

Q. What did you do after each race?

A. What did I do after each race?

Q. What did you do, use the pencil, what did you have them for?

A. For scratching names.

Q. After he got through talking to them, you scratched the names?

A. Yes, sir.

Q. He showed you how to vote?

A. He did.

THE COURT:

(R.15) "What became of that ballot you had?

A. Which ballot, what he gave us to vote on?

THE COURT:

Yes.

A. Some of them taken them home, I reckon."

At the conclusion of the State's testimony, the Petitioner elected not to place any testimony on the stand. This case is therefore one in which the facts are undisputed.

## REASONS FOR REFUSING THE WRIT

I

The Supreme Court of Arkansas correctly holds that the prominent object in the election laws passed by American legislation is stated in the Court's opinion in *Branton* v. *State*, 214 Ark. 861, p. 866:

> "Judge Cooley further says, concerning freedom of elections (p.1389): 'To keep every election free of all the influences and surroundings which might bear improperly upon it or might impel the electors to cast their suffrages otherwise than as their judgments would dictate has always been a prominent object in American legislation.'"

The primary object in the mind of the Legislature in passing Section 20 of Act 123 of 1935 was to eliminate the dangers and evils inherent in the system of so-called "block voting" within the State of Arkansas. This is a case wherein the Supreme Court of Arkansas decided and applied a state statute under the facts in the case. The violation, as found by the Arkansas Court, is in the "printing or distributing ballots outside of those ballots ordered for use in the election, for the purpose of instructing voters how to vote". In other words, the official ballot is the ballot printed under the direction of the proper Central Committee or the proper election commission. Any other ballots are unofficial ballots and when they are printed or distributed for a purpose, then the act of printing or distributing the ballots becomes unlawful. The facts reveal that the purpose of the distribution of the mimeographed ballots was for the purpose of showing and instructing as many persons as possible as to which candidate they should vote for. The proof showed

that the instruction took the form of marking through the name of the candidate, after which the holder of the unofficial ballot was at liberty to take the ballot with him.

The Supreme Court of Arkansas, in affirming the conviction, has adopted that theory of the case and under the facts there could be no question about the guilt of the Petitioner. In other words, as defined by the Supreme Court in *Branton* v. *State, supra,* the "instructing voters how to vote" was the instruction of the voter as to which candidate the voter should cast his ballot for. Certainly it will not be denied that a state has the power to prohibit the printing of ballots other than those which are to be termed "Official Ballots" and used in the election. The Supreme Court of Arkansas construed the ballots in the instant case as "ballots." The definition of the word "ballot" is found in 18 Am. J., Sec. 159, p. 286:

> "The word 'ballot' is automatically assumed to be derived from the Greek word 'ballo'—'to throw'—although it has been assigned a French derivation. The word is used both as a verb and as a noun. In the former sense it means 'to ballot'; in the latter sense it is applied to the implements of voting, which originally were shells, pebbles, beans, or balls. Later a slip of paper was substituted on which were printed the names of the candidates to be voted for, and it is in this sense that the word has come to be generally used."

It is evident, therefore, that this case hinged upon whether or not the ballots distributed by the Petitioner were such ballots as the Legislature had in mind in Act 123 of 1935. The word "ballot" in the act is used as a noun. The Supreme Court of Arkansas, in construing Act 123, *supra,* held that such "ballots" as the Petitioner distributed were

ballots as defined by Act 123, *supra*. The Petitioner bases his case on the theory that the "ballots" distributed by the Petitioner were not "ballots" within the meaning of the State law. The Supreme Court of the United States in the case of *Prince* v. *Massachusetts*, 321 U. S. p. 158-171, 88 Law Ed. 645, on p. 163, uses these words:

> "As the case reaches us, the question is no longer open whether what the child did was a 'sale' or an 'offer to sell' within Sec. 69 or was worked within Sec. 81. The state court's decision has foreclosed them adversely to appellant as a matter of state law. The only question remaining, therefore, is whether, as construed and applied, the statute is valid."

In the instant case, therefore, the Supreme Court of Arkansas, having decided what the word "ballots" meant, under Arkansas election procedure and law, referred to ballots such as the Petitioner distributed. This question is foreclosed as far as the Petitioner is concerned. The undisputed proof reveals that the Petitioner did distribute the unlawful "ballots" and that he instructed his listeners as to which candidate they should vote for by use of these unlawful "ballots". As construed and applied to the facts in this case, the statute is clearly valid and no federal question is presented under the reason in *Prince* v. *Massachusetts, supra*.

As we understand the rule, as stated in *United Gas Company* v. *Texas*, 303 U. S. 123, 82 Law Ed. 702:

> "The United States Supreme Court will review the findings of fact by state court, (1) where a federal right has been denied as a result of a finding shown by the record to be without evidence to support it, and, (2) where a conclusion of law as

> to a federal right and findings of fact are so intermingled as to make it necessary, in order to pass upon the federal question, to analyze the facts, such analysis being made, not to allow issues of fact arising on conflicting testimony or inference, but to perform the court's proper function in deciding the question of law arising upon the findings which the evidence permits."

It is certain in this case that the finding of the Supreme Court of Arkansas is abundantly supported by the evidence and that the conclusion of law is not so intermingled as to make it necessary for this Court to analyze the facts.

The Supreme Court of the United States in the case of *Benjamin Gitlow* v. *People of the State of New York*, 268 U. S. p. 652, 69 Law Ed. 1138, states the rule:

> "It is a fundamental principle long established that the freedom of speech and of the press, which is secured by the Constitution, does not confer an absolute right to speak or publish without responsibility whatever one may choose. * * * That a state, in the exercise of its police power, may punish those who abuse this freedom by utterances inimical to the public welfare, tending to corrupt public morals, incite the crime or disturb the public peace, is not open to question."

In *Gryger* v. *Burke, Warden*, 334 U. S. 728:

> "We are not at liberty to conjecture that the trial court acted under an interpretation of the state law different from that which we might adopt and then set up our own interpretation as a basis for declaring that due process has been denied."

*United States* v. *Petrillo,* 332 U. S 1, at p. 7:

> "We think that the language Congress used provides an adequate warning as to what conduct falls under its ban and numerous boundaries sufficiently distinct for judges and juries fairly to administer the law in accordance with the will of Congress. That there may be marginal cases in which it is diffcult to determine the side of the line on which a particular fact situation falls, is no sufficient reason to hold the language too ambiguous to define a criminal offense."

## CONCLUSION

The practice denounced by the statute was a known evil of long standing at the time the Legislature of Arkansas passed Act 123 of 1935. The police power of the State is not inhibited by the Constitution of the State or of the United States against governmental regulations made for the public welfare that are not unreasonable or arbitrary and that have a real and substantial relation to the object sought to be attained. *Ex parte Hawthorne,* 156 So. 619. Freedom of speech is not absolute. *Terminiello* v. *Chicago,* U. S. Reports No. 1, Vol. 337, p. 1. *Chaplinsky* v. *New Hampshire,* 315 U. S. 568.

In *Chaplinsky* v. *New Hampshire, supra,* the Court stated:

> "Allowing the broadest scope to the language and purpose of the Fourteenth Amendment, it is well understood that the right of free speech is not absolute at all times and under all circumstances. There are certain well-defined and narrowly limited classes of speech, the prevention and punishment of

which have never been thought to raise any Constitutional problem."

We therefore respectfully submit that the statute here involved, as applied to the facts in this case, is not an abridgment of Petitioner's constitutional rights under the First and Fourteenth Amendments and is a valid exercise of the State's police power.

Respectfully submitted

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